IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1833 OF 2007

Gopikrishna Bhaskar Dhawade ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.Shirish Gupte Senior Counsel with
Mr.S.P.Hulyalkar and Vishwajeet Patil for
Applicant
Mr.K.V.Saste A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 22, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.369 of 2006 of Bhosari Police Station, Pune. The said case is mainly under Section 302 of IPC.

3. It is the case of the prosecution that the incident has occurred on account of political rivalry. It is further the prosecution case that mob attacked Chandrakant and Sagar and caused their death and the applicant was part of the said mob. In the said incident, Shivaji Jadhav and Chaya

Pawar were also injured. As far as the present applicant is concerned, Shivaji Jadhav has stated that on 7.11.2006 at about 8 p.m. he heard noise of throwing stones on the neighbouring houses. When he opened the door to see what happened, he saw about 8 to 10 boys armed with various weapons. One of them was the applicant who was armed with hockey stick. Those persons came in his direction stating that "Kill". Those boys damaged the household articles. In the said incident, the role attributed to the applicant is that he assaulted said Shivaji on his leg with hockey stick. When Shivaji asked for help, Chaya Pawar came there and gave him water. She also came to be assaulted by these boys. The role attributed to the applicant is that he assaulted her with bat. Chaya has stated about this later part of the incident i.e. when she went to give water to Shivaji, she was assaulted by the accused persons including the applicant with a bat. The learned A.P.P. has admitted that the medical certificates of Chaya as well as Shivaji do not show any serious or grievous injuries. Both these witnesses do not attribute any role to the present applicant in respect of assault on any of the two deceased persons. In fact, they have not at all stated about the

incident of assault on any of the deceased persons.

4. The learned A.P.P. has relied upon the statement of one Mrinal Dhawade in support of his contention that the applicant had also assaulted the deceased persons. Both the deceased persons who were assaulted, were not assaulted at the same place but each of the deceased persons was assaulted at a little distance from one another. Mrinal Dhawade has stated that about 15 people were assaulting one person. It is further stated by her that the applicant was part of mob of 15 persons and he was armed with hockey stick. However, Mrinal Dhawade does not state that the person assaulted was either Chandrakant or Sagar. There is no witness who has stated directly that the applicant has assaulted either Chandrakant or Sagar or both of them. Looking to the facts of this case, I am inclined to grant bail to the applicant.

5. The applicant-Gopikrishna Bhaskar Dhawade to be released on bail in the sum of Rs.35,000/- (Rs.thirty five thousand only) with one or two sureties to make up the said amount in C.R.No.369 of 2006 of Bhosari Police Station, Pune. The applicant shall report to the concerned Police

Station once in a week till the conclusion of trial.

6. Application is disposed of.

[SMT. V.K.TAHILRAMANI, J.]